

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States District Court,)	
)	
Plaintiff,)	ORDER DENYING MOTION FOR
)	RECONSIDERATION OF DETENTION
vs.)	ORDER
)	
Chance Witbeck,)	Case No. 1:22-cr-064
)	
Defendant.)	

Defendant is charged in an Indictment with two offenses: (1) conspiracy to distribute and posses with intent to distribute controlled substances; and (2) possession with intent to distribute fentanyl. (Doc. No. 6). Following a detention hearing on June 27, 2022, the court ordered him detained, finding that he had not presented evidence to rebut the presumption of detention and currently did not have an adequate release option available to him. (Doc. Nos. 48, 49). However, the court placed him in a waiting list for a residential reentry center and in so doing advised that it would also consider on appropriate motion his release to a residential treatment facility with appropriate oversight and supervision should he be able to able to secure placement at one. (Doc. Nos. 49).

On September 27, 2022, Defendant filed a “Motion to Reconsider Detention Order.” (Doc. No. 70). Citing the lengthy waiting list for a residential reentry placement, he requests to be released to Bless Builders, a sober living facility in Bismarck, North Dakota.

The court has reviewed the record and finds that, while the information provided by Defendant in his motion is new, it does not have a material bearing on the danger or risk of flight that he presumptively poses given the nature of his charged offenses. Consequently, the court is not

inclined to reconsider its detention order.

At close of the detention hearing, the court advised that could revisit the issue of Defendant's detention if space becomes available for him at a residential reentry center or if he secures a placement at an approvable residential treatment facility. Blessed Builders is a sober living facility. It does not provide treatment. Consequently, it does not meet the criteria of what the court would consider an approvable and appropriate release option. Defendant's motion (Doc. No. 70) is therefore **DENIED**.

IT IS SO ORDERED.

Dated this 3rd day of October, 2022.

/s/ Clare R. Hochhalter

Clare R. Hochhalter, Magistrate Judge
United States District Court